

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

MARIO FLORES,

vs.

**JEFFREY EAST and
COF AGGREGATE HOLDINGS, INC.,**

§
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§

CASE NO. _____

DEFENDANT’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Jeffrey East (“East”) and COF Aggregate Holdings, Inc. (“COF”), (collectively “Defendants”), file this Notice of Removal of an action pending in the 60th District Court of Jefferson County, Texas, Cause No. B-207198, removing the case to the United States District Court for the Eastern District of Texas, and would respectfully show to the Court as follows:

BACKGROUND

1. Plaintiff Mario Flores (“Plaintiff”) commenced an action in the 60th District Court of Jefferson County, Texas (“State Court Action”), on February 26, 2021. *See* Exhibit A. Plaintiff’s Original Petition incorporates an allegation of a negligence claim against Jeffrey East and COF Aggregate Holdings, arising from an automobile accident that occurred on or about May 1, 2019.

2. Because East and COF are not residents of Texas, diversity exists, and the amount in controversy is over \$75,000, this case is removable.

REMOVAL IS TIMELY

3. COF was served with citation on March 3, 2021 (*see* Exhibit B) and East was served with citation on April 17, 2021 (*see* Exhibit C). Pursuant to 28 U.S.C. §§ 1446(b) and 1446(c)(1), this Notice of Removal is timely as it is filed within 30 days of the service of the Petition on the most recent defendant and is filed within one year of the filing of the lawsuit.

VENUE IS PROPER

4. The United States District Court for the Eastern District of Texas is the appropriate court for filing a Notice of Removal from the District Court of Jefferson County, Texas, because it is the court for the district and division embracing the place where the State Court Action is pending. *See* 28 U.S.C. § 1441(a).

DIVERSITY JURISDICTION

5. The underlying State Court Action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. It may be removed to this Court by Defendants pursuant to 28 U.S.C. § 1441, because the dispute is between citizens of different states, Defendants are not citizens of the State of Texas, and the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. *See* Exhibit A; *De Aguilar v. Boeing Co.*, 11 F.3d 55, 58 (5th Cir. 1993) (if it is facially apparent from the state court petition that the amount in controversy exceeds the jurisdictional minimum requirement, then defendant need only point such fact out to successfully bear its burden).

6. Defendant Jeffrey East is a resident of Louisiana residing at 1117 Parish Rd., Vinton, LA 70668. Defendant COF is incorporated and its principal place of business is in Oklahoma at 8888 W. 21st St., Sand Springs, OK 74063.

7. Accordingly, this case is removable to the United States District Court for the Eastern

District of Texas.

OTHER MATTERS

8. The following documents required by 28 U.S.C. § 1446(a) and Local Rule 81 are attached to this Notice of Removal:

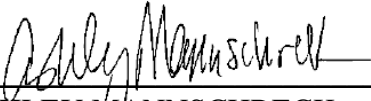
- a. Pleadings asserting causes of action, e.g., Plaintiff's Original Petition (Exhibit A);
- b. All executed process in the case (*see* Exhibits B and C);
- c. Defendants' Answers (*see* Exhibits D and E);
- d. No current orders from the state district court judge;
- e. The docket sheet (*see* Exhibit F)
- f. An index of matters being filed (*see* Exhibit G); and
- g. A list of all counsel of record, including addresses, telephone numbers and parties represented (*see* Exhibit H).

9. As required by 28 U.S.C. § 1446(d), on this date written notice of the filing of this Notice of Removal has been given to Plaintiff and a copy of this Notice of Removal has been filed with the Clerk of the District Court of Jefferson County, Texas.

10. No admission of fact, law or liability is intended by this Notice of Removal, and Defendants expressly reserve all defenses, affirmative defenses, and motions.

Respectfully submitted,

LAW OFFICES OF SABRINA R. KARELS

BY: 
ASHLEY MANNSCHRECK
State Bar No. 24043519
Federal Bar No: 685547
19450 State Highway 249, Suite 475
Houston, Texas 77070
Telephone: (281) 872-0773
Direct: (281) 877-3327
Facsimile: (877) 369-4882
Email: Ashley.Mannschreck@thehartford.com
Eserve: TexasLawOffice@thehartford.com
**ATTORNEY FOR DEFENDANTS,
COF AGGREGATE HOLDINGS, INC.
And JEFFREY EAST**

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of May, 2021, the above and foregoing was forwarded by electronic filing, and/or by certified mail, return receipt requested, and/or by fax transmission, and/or by US Mail, and/or hand delivery to all counsel of record:

cdishon@thefergusonlawfirm.com
jburkett@thefergusonlawfirm.com
jcabanillas@thefergusonlawfirm.com

Cody A. Dishon
Javier Cabanillas
THE FERGUSON LAW FIRM LLP
350 Pine St., Suite 1440
Beaumont, TX 77704
(409) 832-9700 Telephone
ATTORNEYS FOR PLAINTIFF



ASHLEY MANNSCHRECK

EXHIBIT A

FILED
DISTRICT CLERK OF
JEFFERSON CO TEXAS
2/26/2021 11:57 AM
JAMIE SMITH
DISTRICT CLERK
B-207198

CAUSE NO. B-207198

MARIO FLORES

V

JEFFREY EAST AND
COF AGGREGATE HOLDINGS INC

§
§
§
§
§
§
§

IN THE DISTRICT COURT

JEFFERSON COUNTY, TEXAS

60th JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **MARIO FLORES** ("Plaintiff") and files her Original Petition over and against Defendant **COF AGGREGATE HOLDINGS INC.**, Defendant Driver **JEFFREY EAST**, collectively referred to as "Defendants." In support thereof, Plaintiff would show as follows:

I. DISCOVERY CONTROL PLAN

Plaintiff intends discovery to be conducted pursuant to Level 3, as set forth and governed by the Texas Rules of Civil Procedure.

II. PARTIES

Your Plaintiff, at all material times herein, is a resident of Texas.

Defendant **COF AGGREGATE HOLDINGS, INC.** is a for-profit Texas company conducting business throughout Texas. Said Defendant maintains a facility and/or headquarters in Jefferson County, Texas, and may be served through its registered agent: Lauren Corbeil at 600 Travis Street, Suite 2800 Houston, Texas 77002. Another copy of the petition will be forwarded to the insurance adjuster, Jillian Carrier, via email at Jillian.Carrier@theHartford.com.

Defendant **JEFFREY EAST**, at all material times herein, is a resident of Orange County, Texas. Said Defendant may be served at his home address: 890 Springdale St. Trlr #4, Vidor, Texas 77662.

In the event any parties are misnamed or not included herein, such was a “misidentification,” “misnomer,” and/or such parties are/were “alter egos” of parties named herein. Alternatively, Plaintiff contends that such “corporate veil” should be pierced to hold such parties included in the interest of justice.

III. JURISDICTION AND VENUE

Your Plaintiff would show that jurisdiction and venue are both proper before this Honorable Court. Venue is proper because Defendants are residents of Jefferson County, Texas, and maintain facilities in Jefferson County, Texas. Furthermore, the collision occurred here in Jefferson County, Texas. Although the amount of damages to be awarded to Plaintiff is a matter lying largely within the discretion of the jury, Plaintiff sues for more than \$1,000,000 at this particular time.

IV. BACKGROUND

On or about May 1, 2019, Plaintiff was traveling in Jefferson County, Texas. At all material times, Plaintiff was operating her vehicle in a safe and reasonable manner. Suddenly, without warning, Defendant **JEFFREY EAST** failed to pay attention to the roadway and slammed into the rear of Plaintiff’s vehicle with his work vehicle. At the time of the wreck, Defendant **JEFFREY EAST** was driving Defendant **COF AGGREGATE HOLDINGS, INC.’S** vehicle for the sole purpose of work.¹ His employer, Defendant **COF AGGREGATE HOLDINGS, INC.**, therefore, is vicarioulsy liable for its own driver’s

¹ Defendnat **JEFFREY EAST** was within the course and scope of his employment with Defendant **COF AGGREGATE HOLDINGS INC.** Thus, Plaintiff invokes the legal doctrine of *respondeat superior*.

negligence. As a result of Defendants' negligence, Plaintiff was seriously and permanently injured.

V. NEGLIGENCE

The collision and resulting injuries were proximately caused by various acts of negligence and/or negligence *per se* on the part of the Defendants including but not limited to the following:

- a. In failing to operate a motor vehicle at a speed that is reasonable and prudent under the conditions and with regard to the actual and potential hazards then existing;
- b. In failing to operate a motor vehicle at a speed necessary to avoid colliding with any person, vehicle, or other conveyance on the highway;
- c. In operating his vehicle at an excessive rate of speed under the circumstances and conditions;
- d. In causing a rear-end collision;
- e. In failing to make a timely application of his brakes;
- f. In failing to take evasive action;
- g. In failing to exercise a proper and safe lookout;;
- h. In failing to control his speed;
- i. In making an unsafe lane change; and
- j. In violating one or more provisions of the Texas traffic laws.

To the extent that Defendants' conduct was contrary to the Federal Motor Carrier Safety Regulations as set out by U.S. Department of Transportation (See parts 383, 387 and 390-397), it is guilty of negligence *per se* as a result of the statutory violation; likewise, any such actions that fall outside of the standard of care established for commercial carriers/drivers by the Texas Department of Transportation would constitute negligence *per se*.

In addition to being vicariously liable for Defendant **JEFFREY EAST'S** negligence, Defendant **COF AGGREGATE HOLDINGS, INC.** is also directly liable for Plaintiff's injuries, damages and losses under the following theories: Negligent entrustment to a reckless, incompetent and/or unsafe driver; Negligent hiring of **JEFFREY EAST**; Negligent retention of **JEFFREY EAST**; and Negligent training of **JEFFREY EAST**.

VI. DAMAGES

As a direct, legal and proximate cause of the Defendants' negligence herein, Plaintiff suffered severe and significant personal injuries. Plaintiff hereby sues for the recovery of the following elements of damages: medical and other health care-related expenses, past and future; physical pain and suffering, past and future; mental anguish, past and future; physical impairment, past and future; and physical disfigurement, past and future. Plaintiff also asserts her right to recover over and from Defendants any and all interest allowed by law, including pre- and post-judgment interest, along with court costs. Additionally, Plaintiff sues for the damage to her vehicle, any loss of use, and diminution of value.

VII. INITIAL DISCLOSURES AND NOTICE

Under Texas Rules of Civil Procedure 194, and in accordance with Rule 194.2(a), Plaintiff request that the Defendants make their Initial Disclosures, within 30 days after the filing of the first answer, the information or material described in Rule 194.2(b). Additionally, Plaintiff hereby gives notice pursuant to Texas Rule of Civil Procedure 193.7 that she intends to use any document or other materials produced by the Defendant in response to written discovery.

VIII. GROSS NEGLIGENCE

Defendants' negligence constitutes more than just ordinary negligence. The facts demonstrate a complete lack of concern for the health, safety and welfare of others. Therefore, Defendants are liable to Plaintiff for exemplary damages, such damages to be awarded as a penalty or by way of punishment in addition to the compensatory damages sought herein. In so considering the amount to be awarded, the jury should consider the nature of the wrongs, the character of the conduct involved, the degree of culpability of the wrongdoer, the situation and sensibilities of the parties concerned, the extent to which such conduct offends a public sense of justice and propriety, and the net worth of Defendants.

IX.

Plaintiff alleges that all conditions precedent to the maintenance of this action have been met or satisfied, in accordance with Rule 54 of the Texas Rules of Civil Procedure. Plaintiff fully reserves the right to amend or supplement this Petition.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendants be cited to appear and answer herein, that upon final trial hereof, the Plaintiff recovers against Defendants all of Plaintiff's damages as set forth herein as well as pre- and post-judgment interest at the legal and lawful rate, all costs of court, and all other and further relief, at law or in equity, to which your Plaintiff may be justly entitled.

[SIGNATURE BLOCK ON NEXT PAGE]

Respectfully Submitted,

THE FERGUSON LAW FIRM, LLP



Cody A. Dishon

State Bar No. 24082113

cdishon@thefergusonlawfirm.com

jburkett@thefergusonlawfirm.com

Javier Cabanillas

State Bar No. 24094234

jcabanillas@thefergusonlawfirm.com

350 Pine Street, Suite 1440

Beaumont, Texas 77704

(409)832-9700 - telephone

(409)832-9708- facsimile

ATTORNEYS FOR PLAINTIFF

EXHIBIT B

Citation by Mailing

DISTRICT CLERK OF
JEFFERSON CO TEXAS

3/8/2021 11:33 AM

JAMIE SMITH

DISTRICT CLERK

B-207198

THE STATE OF TEXAS

No. B-0207198

MARIO FLORES
VS. JEFFREY EAST ET AL**CITATION BY MAILING****60 th JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS**To: COF AGGREGATE HOLDINGS INC
BY SERVING THROUGH ITS REGISTERED AGENT, LAUREN CORBEILby serving at:
600 TRAVIS STREET
SUITE 2800
HOUSTON, TX 77002 0000**DEFENDANT:****NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Said answer may be filed by E-filing through efiletexas.gov, if represented by an attorney; or if filed pro se by delivering or mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701. The case is presently pending before the 60 th District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 26th day of February, 2021. It bears cause number B-0207198 and is styled:

VS. **MARIO FLORES**
JEFFREY EAST ET AL

Plaintiff:

Defendant:

The name and address of the attorney for plaintiff (or plaintiff, if pro se) is:

DISHON, CODY, Atty.
FERGUSON-LAW FIRM, LLP 350 PINE STREET, SUITE 1440
BEAUMONT, TX 77701 0

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 1st day of March, 2021.

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

BY

Deputy

Jennifer

RETURN OF SERVICE

B-0207198

60 th JUDICIAL DISTRICT COURT

MARIO FLORES

JEFFREY EAST ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant COF Aggregate Holdings, on the 3rd day of Mar, 2021._____, Officer
_____, County, Texas
By: _____, DeputyADDRESS FOR SERVICE:

COF AGGREGATE HOLDINGS INC

BY SERVING THROUGH ITS REGISTERED AGENT, LAUREN CORBEIL

600 TRAVIS STREET

SUITE 2800

HOUSTON, TX 77002 0000

OFFICER'S RETURNCame to hand on the 8th day of March, 2021, at 9:45, o'clock a.m., and executed in Jefferson, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation by Mailing at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
<u>COF Aggregate Holdings</u>	<u>3/3/2021</u>	<u>1600 Travis St. Suite 2800</u> <u>Houston, TX 77002</u>

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

Certified mail

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

FEES:Serving Petition and Copy \$ 75

Total \$ _____

Jamie Smith, Officer
_____, County, TexasBy: D. Fontenot, Deputy

Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the _____ day of _____.

Declarant/Authorized Process Server_____
(Id # expiration of certification)

JAMIE SMITH
DISTRICT CLERK, JEFFERSON COUN
1085 PEARL ST RM 203
BEAUMONT, TX 77701-3545



9214 8901 0661 5400 0160 0741 07

RETURN RECEIPT (ELECTRONIC)

COF AGGREGATE HOLDINGS INC
REGISTERED AGENT, LAUREN CORBEIL
600 TRAVIS ST STE 2800
HOUSTON, TX 77002-2914

.....
CUT / FOLD HERE

Zone 1

.....
6"x9" ENVELOPE
CUT / FOLD HERE

.....
CUT / FOLD HERE



POSTAL SERVICE™

Date Produced: 03/04/2021

THE MAIL GROUP INC - 1 / CONFIRM DELIVERY INC:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 0661 5400 0160 0741 07. Our records indicate that this item was delivered on 03/03/2021 at 10:07 a.m. in HOUSTON, TX 77002. The scanned image of the recipient information is provided below.

Signature of Recipient :

LOUNE
GV 228 C19

Address of Recipient :

600 Travis 2800

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Reference ID: 92148901066154000160074107

COF AGGREGATE HOLDINGS INC
Registered Agent, Lauren Corbeil
600 Travis St Ste 2800
Houston, TX 77002-2914

EXHIBIT C

JEFFERSON COUNTY, TEXAS
 DISTRICT CLERK OF
 4/19/2021 10:54 AM
 JAMIE SMITH
 DISTRICT CLERK
 B-207198

CITATION

THE STATE OF TEXAS

No. B-0207198

**MARIO FLORES
 VS. JEFFREY EAST ET AL**

CITATION

**60 th JUDICIAL DISTRICT COURT
 of JEFFERSON COUNTY, TEXAS**

To: EAST, JEFFREY

by serving at:
**890 SPRINGDALE STREET
 TRAILER #4
 VIDOR, TX 77662**

DEFENDANT:**NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Said answer may be filed by E-filing through efiletexas.gov, if represented by an attorney; or if filed pro se by delivering or mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701. The case is presently pending before the 60 th District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 26th day of February, 2021. It bears cause number B-0207198 and is styled:

Plaintiff:

MARIO FLORES

VS.

JEFFREY EAST ET AL

Defendant:

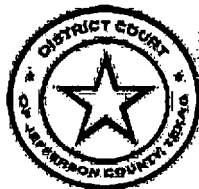
The name and address of the attorney for plaintiff (or plaintiff if pro se) is:

**DISHON, CODY, Atty.
 FERGUSON LAW FIRM, LLP 350 PINE STREET, SUITE 1440
 BEAUMONT, TX 77701.0**

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 1st day of March, 2021.

JAMIE SMITH, DISTRICT CLERK
 JEFFERSON COUNTY, TEXAS



BY

Jennifer

Deputy

CAUSE NO. B-207198

MARIO FLORES	§	IN THE COURT OF
	§	
Plaintiff,	§	
VS.	§	JEFFERSON COUNTY, TEXAS
	§	
JEFFREY EAST ET AL	§	
Defendant.	§	60TH JUDICIAL DISTRICT COURT

RETURN OF SERVICE

"The following came to hand on **Apr 13, 2021, 8:24 am**,

CITATION, PLAINTIFF'S ORIGINAL PETITION,

and was executed at **1117 Parish Rd, Vinton, LA 70668** within the PARISH of **CALCASIEU** at **11:47 AM** on **Sat, Apr 17 2021**, by delivering a true copy to the **CITATION, PLAINTIFF'S ORIGINAL PETITION**, to the within named

JEFFREY EAST

in person, having first endorsed the date of delivery on same.

I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor do I have any interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is **Alena Askew**, my date of birth is **4/XX/72**, and my address is **188 CR 3140, ORANGE, TX 77632, United States of America**. I declare under penalty of perjury that the foregoing is true and correct.

Executed in **NEWTON** County, State of **TX**, on **April 19, 2021**.



Alena Askew

Certification Number: PSC-18684

Certification Expiration: 7/31/2022

EXHIBIT D

CAUSE NO. B-207198

MARIO FLORES,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
vs.	§	JEFFERSON COUNTY, TEXAS
	§	
JEFFREY EAST and	§	
COF AGGREGATE HOLDINGS, INC.,	§	
<i>Defendants.</i>	§	60 th JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant, COF AGGREGATE HOLDINGS, INC., in answer to Plaintiff's Original Petition and all amendments thereto, filing this Defendant's Original Answer and respectfully showing unto the Court the following:

I.

GENERAL DENIAL

Defendant, COF AGGREGATE HOLDINGS, INC., denies generally the allegations in Plaintiff's pleadings and demands strict proof thereof pursuant to Rule 92 of the Texas Rules of Civil Procedure.

II.

COMPARATIVE NEGLIGENCE

Defendant would show that the Plaintiff was comparatively negligent on the occasion in question and that said negligence was the proximate cause of his injuries.

III.

LIMITATION ON MEDICAL EXPENSE RECOVERY

Further answering, Defendant would show that the Plaintiff's recovery of medical or healthcare expenses incurred is limited to the amount actually paid or incurred by or on behalf of the Plaintiff as mandated by the Texas Civil Practice & Remedies code §41.0105.

IV.

LIMITATION ON LOST WAGES AND EARNING CAPACITY

Defendant claims the benefits of §18.091 of the Texas Civil Practice & Remedies Code and asks the Court to require Plaintiff to submit his claims for loss of earning and loss of earning capacity in the form of a net loss after reductions for income tax and other Federal Income Tax law provisions.

V.

PRE-EXISTING AND/OR SUBSEQUENT INJURIES

AND/OR FAILURE TO MITIGATE

Pleading further, if same be necessary, the trier of fact should apportion the damages, if any, in accordance with damages found to be attributable to Plaintiffs' pre-existing conditions, subsequent injuries, and/or failure to mitigate damages.

VI.

EXEMPLARY DAMAGES CAP

If Defendants are found liable for exemplary damages, those damages must be capped under the Texas Damages Act, the due process clause of the United States constitution and the due Course of Law provisions of the Texas Constitution. Further, Defendants would show that the Plaintiff must prove "actual malice" on Defendant's part by unanimous verdict and by clear and convincing evidence in order to recover any punitive damages, and must recover actual, general damages, if any, before being entitled to any punitive damages.

VII.

JURY DEMAND


Defendant demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant, COF AGGREGATE HOLDINGS, INC., prays that Plaintiff take nothing against Defendant, that Defendant be discharged, and that the

Court grant such other and further relief, both general and special, at law and in equity, to which Defendant may be justly entitled.

Respectfully submitted,

LAW OFFICES OF SABRINA R. KARELS

BY: _____
ASHLEY MANNSCHRECK
State Bar No. 24043519
19450 State Highway 249, Suite 475
Houston, Texas 77070
Telephone: (281) 872-0773
Direct: (281) 877-3327
Facsimile: (877) 369-4882
Email: Ashley.Mannschreck@thehartford.com
Eserve: TexasLawOffice@thehartford.com

**ATTORNEY FOR DEFENDANT,
COF AGGREGATE HOLDINGS, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of April, 2021, the above and foregoing was forwarded by

electronic filing, and/or by certified mail, return receipt requested, and/or by fax transmission, and/or by US Mail, and/or hand delivery to all counsel of record:

cdishon@thefergusonlawfirm.com

jburkett@thefergusonlawfirm.com

jcabanillas@thefergusonlawfirm.com

Cody A. Dishon

Javier Cabanillas

THE FERGUSON LAW FIRM LLP

350 Pine St., Suite 1440

Beaumont, TX 77704

(409) 832-9700 *Telephone*

ATTORNEYS FOR PLAINTIFF



ASHLEY MANNSCHRECK

EXHIBIT E

CAUSE NO. B-207198

MARIO FLORES,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
vs.	§	JEFFERSON COUNTY, TEXAS
	§	
JEFFREY EAST and	§	
COF AGGREGATE HOLDINGS, INC.,	§	
<i>Defendants.</i>	§	60 th JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant, JEFFREY EAST, in answer to Plaintiff's Original Petition and all amendments thereto, filing this Defendant's Original Answer and respectfully showing unto the Court the following:

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AND/OR FAILURE TO MITIGATE

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WHEREFORE, PREMISES CONSIDERED, Defendant, JEFFREY EAST, prays that Plaintiff take nothing against Defendant, that Defendant be discharged, and that the Court grant such

other and further relief, both general and special, at law and in equity, to which Defendant may be justly entitled.

Respectfully submitted,

LAW OFFICES OF SABRINA R. KARELS

BY: 
ASHLEY MANNSCHRECK
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And JEFFREY EAST**

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2021, the above and foregoing was forwarded by electronic filing, and/or by certified mail, return receipt requested, and/or by fax transmission, and/or

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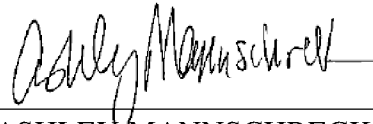
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A handwritten signature in black ink, reading "Ashley Mannschreck", written over a horizontal line.

ASHLEY MANNSCHRECK

EXHIBIT F

co.jefferson.tx.us

FLORES, MICHAEL VS.
JEFFREY EAST AND COF AGGREG HOLDINGS, INC.

5/13/2020

Cause: B-207198

Court: 60

DOCUMENTS

Civil Case '207198' documents:

Document Number	Document Name	Document Pages	Document Date
2289046	PETITION (PLAINTIFFS ORIGINAL)	6	02/26/2021
2289047	CIVIL PROCESS FORM	2	02/26/2021
2289048	RECEIPT	1	02/26/2021
2289115	RETENTION LETTER	2	02/26/2021
2289281	CITATION	2	03/01/2021
2289282	CITATION	2	03/01/2021
2292286	CITATION (RETURN)	4	03/08/2021
2297529	CIVIL PROCESS FORM	2	03/24/2021
2297534	RECEIPT	1	03/24/2021
2297578	CITATION	2	03/24/2021
2303434	RECEIPT	1	04/13/2021
2303435	ANSWER	4	04/13/2021
2305284	RECEIPT	1	04/19/2021
2305285	CITATION (RETURN)	2	04/19/2021
2311924	ANSWER	4	05/10/2021
2311929	RECEIPT	1	05/10/2021
2313318	CERTIFICATE (OF WRITTEN DISCOVERY)	2	05/13/2021
2313319	RECEIPT	1	05/13/2021

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EXHIBIT G

CAUSE NO. B-207198

MARIO FLORES,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
vs.	§	JEFFERSON COUNTY, TEXAS
	§	
JEFFREY EAST and	§	
COF AGGREGATE HOLDINGS, INC.,	§	
<i>Defendants.</i>	§	60 th JUDICIAL DISTRICT

INDEX

EXHIBIT	DESCRIPTION
Exhibit A	Plaintiff's Original Petition
Exhibit B	Executed Process for COF
Exhibit C	Executed Process for East
Exhibit D	Defendant COF's Answer
Exhibit E	Defendant East's Answer
Exhibit F	State Court Docket Sheet
Exhibit G	Index of Matters
Exhibit H	List of Counsel of Record

EXHIBIT H

CAUSE NO. B-207198

MARIO FLORES,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
vs.	§	JEFFERSON COUNTY, TEXAS
	§	
JEFFREY EAST and	§	
COF AGGREGATE HOLDINGS, INC.,	§	
<i>Defendants.</i>	§	60 th JUDICIAL DISTRICT

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